

Ward: West Kensington

Site Address:

100 Lillie Road London SW6 7SR



Reg. No:
2024/00747/FUL

Date valid:
03.04.2024

Committee Date:
08.10.2024

Case Officer:
Ronny Ferley

Conservation Area:
N/A

Applicant:

Mr Hugh Garforth-Bles
c/o Savills
33 Margaret Street
London
W1G 0JD

Description:

Demolition of existing light industrial buildings (Class E), redevelopment of the site to include the erection of part single, part two and part two and a half storey buildings to provide 8No. single family dwellinghouses (Class C3) together with roof terraces and solar panels, installation of entrance gates facing Lillie Road, formation of bin stores, cycle stores with bike racks, and associated landscaping.

Application type:

Full Detailed Planning Application

Officer Recommendation:

- (1) That the Committee resolve that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.

- (2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

1) Time Limit

The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.
Reason: Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2) Approved Plans/Drawings

The development shall be carried out and completed in accordance with the following drawings hereby approved:

2199-PDP-XX-XX-DR-A-02000 Rev P01;
2199-PDP-XX-XX-DR-A-02001 Rev P01;
2199-PDP-XX-XX-DR-A-02100 Rev P01;
2199-PDP-XX-XX-DR-A-02101 Rev P01;
2199-PDP-XX-XX-DR-A-02200 Rev P01;
2199-PDP-XX-XX-DR-A-02300 Rev P01;
2199-PDP-XX-XX-DR-A-02301 Rev P01;
2199-PDP-XX-XX-DR-A-02302 Rev P01;
2199-PDP-XX-XX-DR-A-02303 Rev P01;
2199-PDP-XX-XX-DR-A-02304 Rev P01;
2199-PDP-XX-XX-DR-A-02305 Rev P01 Received 02.04.2024;
Proposed West Elevation;
Proposed East Facing Courtyard Elevation;
Proposed West Facing Courtyard Elevation Received 03.09.2024.

Reason: To ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy DC1 and DC2 of the Local Plan (2018).

3) Materials

No part of the structure above ground level shall be constructed until details and samples of all materials to be used on the external faces of the building, including walls, roof coverings, windows and doors, have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the visual amenities of surrounding properties, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

4) Hard and Soft Landscaping

The development hereby permitted shall not be occupied or used before details and samples of surface materials, of the soft and hard landscaping of all private and communal external areas, including planting, planting schedules, paving, boundary walls, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Council.

The development shall thereafter be carried out in accordance with the approved details and permanently retained thereafter. All soft landscaping shall be carried out during the first planting season available. Any soft landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure the building maintains satisfactory external relationship with its surroundings and that the new external areas are of an acceptable appearance, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

5) Secured by Design

No above ground works (save demolition) shall be commenced until a statement of how "Secured by Design" requirements are to be adequately achieved for the development has been submitted to and approved in writing by the Local Planning Authority. Confirmation shall be supplied that the details are agreed by the Metropolitan Police's Crime Prevention Advisor.

Thereafter the approved details shall be carried out prior to occupation of the development and permanently maintained thereafter.

To ensure a safe and secure environment for users of the development, in accordance with Policies HO11 and DC2 of the Local Plan (2018).

6) External Lighting

External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes for The Reduction of Light Pollution 2011'. Lighting should be minimized, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

7) No Plant

No alterations shall be carried out to the external appearance of any part of the development hereby approved, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2 and HO11 of the Local Plan (2018).

8) No Aerials

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

To ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies DC1 and DC2, of the Local Plan (2018).

9) Rooftop Structures

No water tanks, water tank enclosures or other structures, other than those set out on the approved drawings, shall be erected upon the roofs of the building hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC1 and DC2 of the Local Plan (2018).

10) Green Roof

No part of the structure above ground level shall be constructed until full details of the green roof and green wall system to be used have been submitted to, and approved in writing by, the Local Planning Authority.

Details shall include vertical sections through the green roof and green wall, as well as a maintenance plan. No part of the development shall be used or occupied prior to the completion of the development in accordance with the agreed details.

To ensure a satisfactory external appearance, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

11) Solar PV Panels & Ground Source Heat Pumps

Prior to first occupation of the development hereby approved, details of the siting, gradient and number of Solar PV Panels as shown on Dwg Nos. 2199-PDP-XX-XX-DR-A-02001 Rev P01 & 2199-PDP-XX-XX-DR-A-02100 Rev P01, to be installed on the roofs and details of the Ground Source Heat Pumps as stated within the Energy Statement prepared by Phillips Buckell Ltd (Document Ref: 24010.7.Energy Rev P1, dated March 2024) shall be submitted to and approved in writing by the Local Planning Authority, implemented as approved and thereafter maintained.

In the interest of sustainability and to ensure that the proposed development does not prejudice the appearance of the area in accordance with Policies CC1, DC1 and DC2 of the Local Plan (2018).

12) Flood Risk Assessment (FRA)

The development hereby permitted shall not be occupied or used until the flood resilient design measures and water efficiency measures identified in the Flood Risk Assessment by Civic Engineers (dated May 2024) submitted with this application are fully implemented. The measures shall thereafter be permanently retained.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the impact of flooding to the proposed development and future occupants, in accordance with Policy CC2 and CC3 of the Local Plan (2018).

13) Sustainable Drainage (SuDS)

The development hereby approved shall not commence (save for works of site clearance and demolition of existing buildings) until details of a revised Sustainable Drainage Strategy has been submitted to and approved by the Local Planning Authority.

Such details should review the proposed SuDS measures and final discharge rates of surface water to demonstrate that infiltration techniques have been integrated where BRE 365 infiltration testing has shown that the underlying soils are suitable for infiltration.

The measures shall thereafter be permanently retained for the life of the development.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC2 and CC3 of the Local Plan (2018).

14) Rainwater Goods

No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the front, rear or side elevations of the building hereby approved.

To ensure a satisfactory external appearance of the development, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

15) Demolition Management/Logistics Plan

Prior to commencement of the development hereby approved the following shall be submitted to, and approved in writing by the Local Planning Authority:

- (i) A Demolition Management Plan:
Details shall include monitoring and control measures for noise, vibration, lighting, delivery locations, contractors' method statements, waste classification and disposal procedures and locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, and not on Sundays or Bank Holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.
- (ii) A Demolition Logistics Plan:
This shall be in accordance with Transport for London (TfL) requirements and must seek to minimise the impact of demolition traffic on nearby roads and restrict demolition trips to off peak hours only. The details shall also include the numbers, size and routes of demolition vehicles, provisions to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The approved details shall be implemented throughout the project period.

To ensure that demolition works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, lighting or other emissions from the building site, in accordance with policies T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

16) Construction Management/Logistics Plan

Prior to commencement (excluding site clearance and demolition) of the development hereby approved the following shall be submitted to, and approved in writing by, the Council:

- (i) A Construction Management Plan:

Details shall include monitoring and control measures for noise, vibration, lighting, delivery locations, contractors' method statements, waste classification and disposal procedures and locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays and not on Sundays or Bank Holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

(ii) A Construction Logistics Plan-

This shall be in accordance with Transport for London (TfL) requirements and must seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. The details shall also include the numbers, size and routes of construction vehicles, provisions to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, lighting or other emissions from the building site, in accordance with policies T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

17) Air Quality Dust Management Plan (Demolition)

Prior to the commencement of the demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution shall be submitted to and approved in writing by the Council. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'B' and shall include the following details:

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Demolition Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during Demolition site activities.

- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM₁₀ (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
- e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Low/Medium Dust Risk Rating of the site and shall be in a table format.
- f. Details of installation of solid hoarding (minimum height of 2.5 m) including photographic confirmation of installed hoarding around the perimeter of the site.
- g. Details of Site Dust Monitoring Procedures and Protocols including photographic confirmation of the installation of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding the Site Dust Action Level (SDAL) of 200 mg/m²/day, averaged over a 4-week period as referenced in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance.
- h. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the London City Hall NRMM register GLA-NRMM-Register prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.
- i. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 and Euro VI.
 - j. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM₁₀, PM_{2.5}) and NO_x emissions at all times.
 - k. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

To ensure air quality is not compromised during the demolition phase, in line with Local Plan Policies CC10 and CC13 (2018).

18) Air Quality Dust Management Plan (Construction)

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Construction Site and Equipment Layout Plan

- c. Inventory and Timetable of dust generating activities during construction site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM₁₀ (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the construction phase and is undertaken in compliance with the methodology contained within Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
- e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Low/Medium Dust Risk Rating of the site and shall be in a table format.
- f. Details of installation of solid hoarding (minimum height of 2.5 m) including photographic confirmation of installed hoarding around the perimeter of the site
- g. Details of Site Dust Monitoring Procedures and Protocols including photographic confirmation of the installation of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding the Site Dust Action Level (SDAL) of 200 mg/m²/day, averaged over a 4-week period as referenced in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance.
- h. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of construction shall be registered on the London City Hall NRMM register GLA-NRMM-Register prior to commencement of construction works and thereafter retained and maintained until occupation of the development.
- i. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 and Euro VI.

The ensure air quality is not compromised during the construction phase, in line with Local Plan Policies CC10 and CC13 (2018).

19) Zero Emissions Heating

Prior to occupation of the development, details of the installation/commissioning including photographic confirmation of the installed Zero Emission MCS certified Ground Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for the eight self-contained dwellinghouses (Class C3) use shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

20) Ventilation Strategy

Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the eight self-contained dwellinghouses (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where annual mean World Health Organisation (WHO) Air Quality Guideline Values (2021) for Nitrogen Dioxide (NO₂) - 10ug/m³, Particulate (PM₁₀) -15 ug/m³ and Particulate (PM_{2.5}) - 5 ug/m³ are exceeded and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:

- a)** Details and locations of the ventilation intake locations at rear roof level or the rear elevations of all residential floors.
- b)** Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all residential floors, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017.
- c)** Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.
- d)** Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential floors.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

21) Ventilation Strategy – compliance

Prior to occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as detailed in the approved ventilation strategy as required by condition 21 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

22) Cycle Storage

The development shall not be used or occupied until the cycle storage areas, as shown on the approved Dwg No. 2199-PDP-XX-XX-DR-A-02305 Rev P01 have been installed, and the cycle storage areas shall be permanently retained in this form thereafter.

To ensure satisfactory provision for the cycles and thereby promote sustainable and active modes of transport, in accordance with Policy T3 of the Local Plan (2018).

23) Refuse Storage

The development shall not be used or occupied until the refuse storage areas, as shown on the approved Dwg No. 2199-PDP-XX-XX-DR-A-02305 Rev P01 have been installed, and the refuse storage areas shall be permanently retained in this form thereafter.

To ensure adequate provision for refuse storage, in accordance with Policy CC7 of the Local Plan (2018).

24) No Other Roof Terrace

Apart from the areas specifically shown as designated roof terraces on the hereby approved drawings, no other part of any roofs of the buildings shall be used as roof terraces or other form of open amenity space.

No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application property to form access onto the roofs.

The use of the roofs as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance, contrary to Policies CC11 and CC13 of the Local Plan (2018).

25) Terrace Screening

Prior to the occupation of the dwellings hereby approved, details of the privacy screens to be erected at first and second floor levels on the north, east, south and west elevations shall be submitted to and approved by the Local Planning Authority.

Such details shall include the finish of the screens to include as a minimum, obscure glazing with a level of obscurity equivalent to at least Pilkington Texture Glass Level 3 installed fixed and non-removable at a height of 1.7m above the finished floor level.

The screens shall thereafter be permanently retained as approved.

To protect the amenities of adjoining occupiers in terms of privacy and overlooking in accordance with Policies DC4 and HO11 of the Local Plan (2018).

26) Preliminary Risk Assessment

No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

27) Site Investigation Scheme

No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

28) Quantitative Risk Assessment

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

29) Remediation Method Statement

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

30) Verification Report

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

31) Onward Long-Term Monitoring Methodology

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

32) PD Rights Removed Single Family Dwelling

The dwellings hereby approved shall only be used as single dwellinghouses falling within use Class C3. The resulting property shall not be used as a house in multiple occupation falling within Class C4 of the Town & Country Planning (Use Classes) Order 1987 (as amended).

The use of the property as a house in multiple occupation rather than as a single residential unit, would raise materially different planning considerations that the Council would wish to consider under a full planning application, in accordance with Policies DC1, T1, HO1, HO2, HO4, HO5, HO11 and HO8 of the Local Plan (2018).

33) Remove PD rights - Alterations and Extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, improvement, alteration, building, or enclosure permitted by Schedule 2, Part 1, Classes A, AA, B, C, D, E or F of the Order shall be carried out or erected without the prior written permission of the local planning authority.

To safeguard the visual amenities of the area and ensure that the external appearance of the building is satisfactory and safeguard the amenities of neighbouring occupiers and amenity of future occupiers in accordance with Policies DC1, DC4, HO11 and DC8 of the Local Plan (2018).

34) Absolute Noise Criteria

The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

35) Tree Protection

All site clearance, preparatory work or development shall take place in strict accordance with the hereby approved Arboricultural Impact Assessment and Preliminary Method Statement including tree protection plan (Ref: MDJAC-24.019-AIAPMS-01) by MDJ Arboricultural Consultancy Ltd. dated March 2024.

Tree protection must be in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced).

The scheme for the protection of the retained trees shall be carried out as approved.

To ensure the protection of trees on and off site during construction works and after in accordance with Policy OS5 of the Local Plan (2018).

36) Fire Safety

The development shall be carried out in accordance with the provisions of the Fire Safety Notes by Socotec dated March 2024, unless otherwise approved in writing by the Local Planning Authority.

To ensure that the development incorporates the necessary fire safety measures in accordance with Policy D12 of the London Plan (2021).

Justification for approving application:

1. Land Use: The proposal would achieve a sustainable form of development by meeting local housing demands on previously developed land which includes buildings in poor conditions. The applicant has demonstrated

that the situation at the site is no longer conducive to the operation of the current light industrial use falling within Use Class E (sofa making/upholstery business). There would be no loss of employment as the existing business would be relocated elsewhere within the borough. It is considered that residential use would be more compatible with the surrounding area which includes a number of residential dwellings either completely or as part of a mixed-use set up above commercial. The proposed 8 small non-family sized residential units would make efficient use of land by optimising residential use on this backland site within a town centre. The proposals are therefore considered to be in accordance with Policy D3, GG2 and SD6 of the London Plan (2021), Policies E1, E2, HO1, HO4, HO5 and TLC2 of the Local Plan (2018).

2. **Housing Quality:** The proposed development would provide 8 small units of 1 to 2 bedrooms in excess of their minimum floorspace requirements and with some external amenity space. Given the town centre location and other identified constraints of the site, it is considered more appropriate for small non-family sized units. The units would provide dwellings with acceptable living conditions, good standards of accommodation and good amenities to future occupiers in accordance with London Plan (2021) Policy D6, the Mayor's Housing 'Design Standards' LPG (2023), the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, and HO11 and relevant Housing Key Principles of the 'Planning Guidance' SPD (2018) which all require new housing to be of a high quality design and be designed to have adequate internal and external space.
3. **Design, Appearance and Character:** The proposed development is held to be visually and aesthetically acceptable. The proposals are considered to be of a good quality of design which optimises the capacity of a previously developed land and take sufficient design cues from the surrounding built environment, including in materiality and form. It is considered that the proposed development would be an adequate fit within the context and be sensitive to its surroundings, having regard to the character and appearance of the existing site and its vicinity. The significance and setting of nearby locally listed Buildings of Merit would be preserved. The proposed scheme therefore accords with the NPPF (2023), London Plan (2021) Policy D3 and D5, and Local Plan (2018) Policies DC1, DC2 and DC8.
4. **Residential Amenity:** The proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Subject to conditions, the proposed scheme would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook, privacy and noise and disturbance. In this regard, the proposals comply with Policies DC1, DC2,

HO11, CC11, CC12 and CC13, and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD (2018).

5. Transport and Highways: It is considered that the scheme would not have a significant undue impact on the highway network, road safety and conditions or local on-street car parking demands due to restriction of car parking on and off street; hence it is deemed to be acceptable in transport terms. Satisfactory provision would be made for cycle parking and a legal agreement is secured to ensure a car-free scheme in this area which benefits from very good public transport links. Adequate provision for the storage and collection of refuse and recyclables would be provided. The proposed development therefore accords with the NPPF (2023), London Plan (2021) Policies T1-T7, Local Plan (2018) Policies T1, T2, T3, T4, T7 and CC7, and relevant transport and waste management Key Principles of the 'Planning Guidance' SPD (2018).
6. Environmental Issues: The impact of the development with regards to land contamination, flood risk, energy, sustainability, trees and air quality are considered to be acceptable subject to conditions to secure further details of mitigations and appropriate measures, in accordance with London Plan (2021) Policies SI 12 and SI 13 Local Plan (2018) Policies CC1, CC2, CC3, CC4, CC9 and CC10, and relevant Key Principles of the 'Planning Guidance' SPD (2018).
7. Planning Obligations: Planning obligations to offset the impacts of the development and make it acceptable in planning terms are secured. This includes local employment skills initiatives, public realms, local parks and open spaces improvements, car permit free restrictions, Section 278 highways works and the submission of a Construction Management Plan and an Air Quality Dust Management Plan plus monitoring fees. The proposed development would therefore mitigate external impacts and cater to the needs of the community affected by the proposed development. It would also contribute towards the regeneration of the North Fulham Area. This would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policies FRA and INFRA1.

That the applicant be informed as follows:

1. Thames Water would advise that management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan (2021). Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should the applicant require further information please refer the Thames Water website: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk

 3. If the applicant is planning on using mains water for construction purposes, it is important to let Thames Water know beforehand, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
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**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

All Background Papers held by case officer named above:

Application form received: 2nd April 2024

Drawing Nos: see above

Policy Documents: National Planning Policy Framework (NPPF, 2023)
The London Plan (2021)
LBHF - Local Plan (2018)
LBHF - 'Planning Guidance' Supplementary Planning Document (2018)
LBHF - 'Climate Change' Supplementary Planning Document (2023)

Consultation Comments:

Comments from:

Thames Water
Metropolitan Police Crime Prevention

Dated:

08.04.2024
25.04.2024

Neighbour Comments:

Letters from:

Dated:

102 Lillie Road London SW6	20.04.2024
9 Bramber Road London W14	02.05.2024
7 Bramber Road London W14	04.05.2024
Fulham Society, 1 Rosaville Road London SW6	02.05.2024

OFFICER REPORT

1. APPLICATION SITE

Description and Surrounding

- 1.1. This back land light industrial site (approximately 0.09 hectares) comprises a central courtyard with one and two storey buildings (Class E) in use as a sofa making/upholstery business. Pedestrian and vehicular access to the site is via an undercroft fronting Lillie Road.
- 1.2 The surrounding area is mixed in character. The frontage along Lillie Road includes mainly three and four storey properties with a parade of shops at ground floor and a mix of residential and other commercial uses on the upper floors. To the east, there are single and two storey structures connected to the properties in shopping parade along Lillie Road. Further to the east, there are three storey properties fronting North End Road which include both residential and commercial above.
- 1.3 The site lies within Fulham Town Centre and the Fulham Regeneration Area. The site is not within a conservation area and nearby Nos. 88-90 Lillie and 236 North End Road are Buildings of Merit.
- 1.4 The area has a Public Transport Accessibility Level 5 with very good access to public transport links and it is part of a Controlled Parking Zone (Zone D). It is also falls within part of a Flood Risk Zone 2 area.

Planning History

- 1.5 In 1995 outline planning permission (Ref: 1993/00510/FUL) was granted for the demolition of all existing buildings on the site in connection with the redevelopment of the site by the erection of a three-storey building providing approximately 680 square metres of business floorspace metres (Class B1) together with associated car parking and servicing.
- 1.6 In 1986 planning permission (Ref: 1986/00895/FUL) was refused for the erection of four storey building for light industrial use on the grounds of overdevelopment,

visually obtrusive, inadequate parking and servicing facilities and unneighbourly resulting loss of light and aspect.

- 1.7 In 1980 planning permission (Ref: 1980/00567/FUL) was granted for the replacement of existing roof and PVC wall with brickwork and glazing.

Current Proposal

- 1.8 The current proposals involve the demolition of existing single and two storey light industrial buildings (Class E) and its replacement with a part single, part two and part two and a half storey buildings to provide 8 single family dwellinghouses (Class C3). The proposed mews style redevelopment would include roof terraces and solar panels, a new entrance gate facing Lillie Road, bin stores, cycle stores with bike racks, and associated landscaping.

2. PUBLICITY AND CONSULTATION

Pre-Application Engagement

- 2.1 In accordance with the National Planning Policy Framework (NPPF), the applicant undertook a detailed programme of pre-application advice with the Council's planning officers for a redevelopment of the site to provide 8 houses. Pre-application discussions were held between October 2022 and August 2023. Overall, officers raised no objections to the proposed use and scale subject to additional information regarding the following: satisfactory marketing of the site; detailed design; the location of ancillary waste and cycle storage; mitigation of any loss of privacy; a daylight and sunlight assessment and a permeable courtyard to meet drainage requirements. In addition, the applicant was encouraged to conduct their own pre-planning consultation with neighbouring properties.
- 2.2 The applicant's submissions include a Statement of Community Involvement which sets out the range of methods that were used during their consultation period which took place in March 2024. The consultation included the following:
 - 90 notification letters to neighbouring properties and local Councillors
 - a dedicated website
 - door knocking in Bramber Road, Lillie Road and North End Road to invite feedback either directly to the project team, via the website or at proposed drop-in session
 - Exhibition on 19th March 2024 at 100 Lillie Road
- 2.3 In total, 5 written/ online representations were received with strong support for the proposals. The door knocking exercise generated the best response which

received 16 respondents; 14 out of 16 respondents welcomed the proposals. Overall, the respondents supported the principle, design of the mews and building materials but raised concerns about parking in Bramber Road, the inclusion of a gate entrance on Lillie Road and loss of daylight/sunlight.

- 2.4 In response to the residents feedback the applicant has provided daylight and sunlight report, informed respondents that the scheme would be car-free and confirmed that the entrance gate is a largely see-through.

Application Consultation

- 2.5 The application was publicised by site and press notices. In addition, 138 notification letters were sent to neighbouring properties. In response, objection letters were 4 individual addresses and the grounds can be summarised as follows:

- Loss of privacy/ overlooking
- Loss of light, shading and overshadowing
- Incorrect identification of rooms in the submitted Daylight/Sunlight report
- 3D massing in Daylight/Sunlight report do not include terrace balustrades
- Parking stress levels will increase
- No affordable or social housing
- Insufficient developer engagement with neighbours
- Insufficient consultation with neighbours from the Council
- Short notice to response to consultation
- Plans should be printed and distributed to neighbours
- Poor community involvement
- There should be no planting of trees on shared boundaries
- Restricted access to neighbouring residents for fire exit
- Lack of information on sewer connection for the new units
- Party wall issues
- Concerns asbestos on site
- Noise, nuisance, dust and other pollution from construction activities.

- 2.5 The Fulham Society raised the following concerns:

- Overdevelopment of the site
- Crowded proposals
- Lack of safety considerations including fire safety
- Concerns over management of access to all utilities and drainage.

Officers Response

- 2.6 Where the above concerns constitute material planning considerations, they are considered in the relevant section of this report. In respect of the formal consultation process, officers are satisfied the application has been advertised

in line with the statutory requirements contained in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Regarding the applicant's consultation with residents, the application submissions include a Statement of Community which sets out the measures included in the applicant's pre-application engagement; officers are satisfied that this accords with the NPPF and the Council's Statement of Community which encourage engagement between the developer and local residents.

- 2.7 Concerns about asbestos, fire safety and construction noise and activities are normally covered by building regulations and environmental health and protection legislations; however, where appropriate planning conditions can be used to request some mitigation measures.
- 2.8 The Council has declared a climate and ecological emergency since 2019 and every effort is made to reverse the negative impacts of climate change. Part of this involves taking steps to become paperless and minimise the printing of documents and plans.
- 2.9 Regarding sewage infrastructure, Thames Water have been consulted and they raised no objection to the proposed development.
- 2.10 Party wall issues fall outside of planning legislation and involve civil matters between the parties concerned which are covered by alternative provisions contained in the Party Wall Act.

3. POLICY CONTEXT

- 3.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory legislation for Town Planning in England.
- 3.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (Section 38 (6) of the 2004 Act as amended by the Localism Act).
- 3.3 In this instance, the statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the 'Planning Guidance' (2018) and the 'Climate Change' (2023) Supplementary Planning Documents (hereafter referred to as 'Planning Guidance' and Climate Change' SPDs). Other strategic and local supplementary planning guidance and other documents from the Council and the Greater London Authority/Mayor of London are also material to the determination of the application.

National Planning Policy Framework (2023)

- 3.4 The National Planning Policy Framework - NPPF (as updated 2023) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 3.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The London Plan (2021)

- 3.6 The London Plan (2021) was published in March 2021 and is the Spatial Development Strategy for Greater London. The Plan provides the strategic planning policies for London, setting out an integrated economic, environmental, transport and social framework for growth over the next 20-25 years. The proposed development has been assessed in line with the policies set out in the London Plan. The London Plan is supported by guidance, which provides further information about how the London Plan Policies should be implemented in the form of Supplementary Planning Guidance ('SPG') documents which have also been considered in determining this application.

The Local Plan (2018)

- 3.7 The Council Local Plan was adopted on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The 'Planning Guidance' (February 2018) and 'Climate Change' (October 2023) Supplementary Planning Documents (SPDs) are also material considerations. These provide supplementary detail to the policies and are organised around key principles.
- 3.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF, 2023), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG) / Supplementary Planning Documents (SPDs) have been referenced where relevant.
- 3.9 The main planning considerations in light of the London Plan (2021), and the Local Plan (2018) (hereafter referred to as Local Plan 2018), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) and the 'Climate Change' Supplementary Planning Document (2023) (hereafter referred to as the 'Climate Change' SPD), include:
- the principle of the development in land use terms;

- housing quality;
- design, character and appearance;
- residential/neighbouring amenity;
- transport and highways;
- environmental considerations and
- planning obligations.

4. LAND USE

Loss of Existing Use

- 4.1 London Plan Policy E4 relates to land for industry, logistics and services to support London's economic function.
- 4.2 Policy E1 of the Local Plan encourages the retention, enhancement and intensification of existing employment uses and specifically necessitates flexible space suitable for small and medium enterprises.
- 4.3 Local Plan Policy E2 asserts that the Council will require the retention of land and premises capable of providing continued accommodation for employment or local services. Permission will only be granted for a change where continued use would adversely impact on residential areas; or an alternative use would give a demonstrably greater benefit that could not be provided on another site; or it can be evidenced that the property is no longer required for employment purposes.
- 4.4 The applicants have submitted a market report which assessed the viability of letting the property against the market supply and demand for Class E Business Space across the Borough and surrounding area. Overall, the evidence in the report demonstrates that the property is neither suitable in its existing condition nor needed in for continued employment use. The building is no longer fit for purposes due to its the poor state (thin metal roof clad with asbestos, dilapidating fabric and a restricted narrow vehicular access). In support of this an Initial Structural Engineering Site Appraisal (desk top survey) has been submitted which shows that the existing buildings on site are not structurally sound for modern light industrial use.
- 4.5 The marketing report states that it would not be financially viable to refurbish the building given the level of works required and even if this was carried out the site would struggle to stand out against other comparable existing Class E stock in the market which is in better condition but remains vacant. The report makes clear that redeveloping the site for alternative employment use would not be viable, as it would be unable to compete with the existing stock of Class E units in the area.

- 4.6 Following a review the marketing report and a site visit, officers are satisfied with the report's findings regarding the site's constraints and deficiencies. Officers note that the existing sofa making/upholstery business plans to re-locate to an alternative site elsewhere in the borough which would help to retain its skilled workforce.
- 4.7 The site falls within Fulham Regeneration Area (FRA) and Fulham Town Centre. Under Local Plan Strategic Policy FRA there is a substantial opportunity for regeneration within the FRA and for the development of strategic sites to benefit the wider community. Amongst other things, Local Plan Policy FRA requires proposals to contribute to the provision of 7,000 homes and 9,000 jobs and demonstrate a high quality of urban design and public realm. Policy TLC1 (Town And Local Centres) supports the regeneration of the town centres for a mix of town centre uses, including residential development on appropriate sites.
- 4.8 Officers consider that the existing Class E use is surplus to requirements. The proposed residential use on this constrained backland location would be compatible with the existing residential uses that back onto the site. Financial contributions have been secured under Section 106 to mitigate the impact of development within the FRA and details of this are included in the relevant section of this report.
- 4.9 Overall, officers consider the proposal to relocate and redevelop this unprotected employment site can be supported in line with Policies E1, E2, TLC1 and FRA of the Local Plan.

Residential use

- 4.10 Paragraph 60 of the NPPF states that local planning authorities should seek to significantly boost the supply of housing. The need for housing is recognised in Policy H1 of the London Plan. Table 4.1 of this Policy sets out a minimum target of 16,090 new residential dwellings by 2028/9 within the Borough Policy HO1 of the Local Plan seeks to exceed the minimum target set out in London Plan Policy H1, Table 4.1.
- 4.11 The proposed development would contribute to a net addition of 8 residential units in the borough to meet an identified housing need and target. Therefore, the development would accord with London Plan Policy H1 and Local Plan Policy HO1.

Housing mix

- 4.12 Policy HO5 of the Local Plan requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.

- 4.13 The proposed development comprises a mix of 1 x 1-bed and 7 x 2-bed units which is considered appropriate in this town centre location where a higher proportion of smaller non-family sized units is acceptable. Overall, the proposed scheme would accord with Policy HO5 of the Local Plan.

5. QUALITY OF ACCOMMODATION

Indoor and Outdoor Space Standards

- 5.1 London Plan Policy D6 states that housing development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. Local Plan Policy HO4 seeks to ensure that all housing development is provided to a satisfactory quality, has an appropriate mix of types and sizes, with an emphasis on family accommodation. Local Plan Policy HO11 and Housing Standards Key Principles HS1, HS2, and HS3 of the Council's SPD also sets minimum floor areas and internal room sizes for new residential development. In either case, any development would still need to comply with the London Plan minimum standards which supersede those within the Local Plan.

- 5.2 Policy D6 of the London Plan also sets the minimum Gross Internal Area (GIA / floorspace) in line with the Technical Housing Standards - Nationally Described Space Standard (NDSS) for new dwellings. The proposals include the following unit sizes:

Unit 1: 1-Bed/2-Person/2-Storey: 59.7sqm (complies, 50sqm min requirement)
Unit 2: 2-Bed/4-Person/3-Storey: 98.5sqm (complies, 79sqm min requirement)
Unit 3: 2-Bed/4-Person/3-Storey: 98.9sqm (complies, 79sqm min requirement)
Unit 4: 2-Bed/4-Person/3-Storey: 99sqm (complies, 79sqm min requirement)
Unit 5: 2-Bed/4-Person/3 Storey:112.4sqm (complies, 79sqm min requirement)
Unit 6: 2-Bed/4 Person/2 Storey: 80.3sqm (complies, 79sqm min requirement)
Unit 7: 2-Bed/4-Person/3 Storey: 92.1sqm (complies, 79sqm min requirement)
Unit 8: 2-Bed/4-Person/2 Storey:79.2sqm (complies, 79sqm min requirement)

Note: There is no standard for a 2-Bed/4-Person/3-Storey unit, the nearest equivalent is a 2-Bed/4-Person/2-Storey unit.

- 5.3 All the proposed units would meet and exceed their minimum GIA/floorspace requirement as set out in London Plan, the NDSS and Key Principle HS2 of the 'Planning Guidance' SPD. The development is also compliant with the Technical Housing Standards in terms of minimum room sizes, storage space and floor-to-ceiling heights.
- 5.4 Regarding external amenity space, Policy D6 of the London Plan requires a private space of at least 5sqm (plus an extra 1sqm per additional occupiers) which is at least 1.5m deep. Except for units 6 and 8, this standard is not met. However, the majority of the units would include generous internal floor areas

well in excess of the minimum and would be of good quality. In addition, there would be a communal garden within the courtyard which would provide some 190sqm of shared external amenity space. In addition, the applicant has agreed a financial contribution to mitigate the increased use of a local park. Given the site constraints of this backland within a town centre location with its proposed mix of non-family sized units, the proposed communal space and financial contribution, the proposed amenity space provision is considered acceptable in this case.

Outlook and Daylight to Habitable Rooms

- 5.5 Local Plan Policy HO11 states that new housing should be of a high standard and provide housing that will meet the needs of future occupants.
- 5.6 All of the units would have at least one dual aspect floor which would be the open plan kitchen/dining/living space, with the habitable room windows oriented to face north, east, south and west. Within the proposed layout, the north facing windows would only include secondary windows and the relevant habitable room would benefit from other windows facing a different direction. Officers acknowledge that all the units would have some single aspect floors, but it is considered that future occupiers would spend the majority of their time in the dual aspect living space which all benefit from unfettered outlook and adequate daylight provision.
- 5.7 The submissions include a Daylight/Sunlight Report which includes an assessment of natural light for the proposed units. For the proposed units, in terms of daylight, the report concludes that the daylight assessment utilising the illuminance method shows that 100% of the 23 rooms tested achieve the minimum target lux levels of 50% of the room's assessment area. Therefore, all rooms passed the BRE guidelines daylight assessment, demonstrating acceptable levels of daylight would be achieved. Similarly for sunlight, the test shows that all the living areas passed the sunlight exposure assessment, achieving sunlight levels that are well in excess of the suggested 1.5 hours of sunlight on the 21st March assessment date. Officers have reviewed the report and can find no reason to disagree with its conclusions.
- 5.8 Overall, the proposed development would include residential units with good levels of daylight and sunlight which would in turn provide acceptable living conditions to future occupiers.

Privacy Between Proposed Units

- 5.9 During pre-application discussions officers raised concern about the level of privacy afforded to ground floor windows which includes bedrooms adjacent to the communal area within the courtyard. To mitigate this, the submitted Design and Access Statement makes clear that the proportions of the relevant ground

floor windows within the courtyard have been reduced, so as to limit the opportunity of overlooking from passers-by. The windows have also been offset from those in the opposite elevation to limit direct views into the adjacent bedrooms. The proposed landscaping scheme at ground floor would provide some natural screening and in addition obscure glazed panels would be used at roof level in connection with roof terraces to mitigate mutual overlooking. Overall, officers consider that the proposed layout is satisfactory.

Noise and Disturbance

- 5.10 Local Plan Policies HO11 and CC11 are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting. SPD Noise Key Principle NN3 concerning the sound insulation between dwellings states that "...careful consideration should be given to stacking and layout of rooms in relation to adjoining walls/floors/ceilings." The application has been reviewed by the Council's Environmental Protection Team who raised no objections, subject to a condition to ensure the noise level between different rooms meet the noise standard specified in BS8233:2014.
- 5.11 Overall, it is considered that the proposed scheme would provide suitable standards of accommodation as housing units within the borough. This would accord with Local Plan Policies HO4 and HO11, London Plan Policy D6, the Mayor's Housing Design Standards LPG and the Nationally Described Space Standards (Technical Housing Standard).

Accessibility

- 5.12 The London Plan Policy D7 states that 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% of new dwellings should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e., designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. This also replicated in Policy HO6 of the Local Plan.
- 5.13 The scheme includes mews houses of more than one floor that range between 2 and 3 storeys. The submitted Planning Statement states that units 1, 6 and 8 would have level access, with significant ground floor space which can be adapted to comply with the London Plan Policy D7 and M4(2): accessible and adaptable dwellings. The rest of the units would meet the requirements of M4(1): visitable dwellings.
- 5.14 Notably, supporting paragraph 3.7.7 of London Plan Policy D7 states that on developments of four storeys or less, the accessibility requirements may need to be applied flexibly. The need for flexibility also relates to small-scale infill developments in line with Policy H2 (small sites) of the London Plan. Due to

site constraints, it is not feasible to provide level access to all the units on this tight backland site.

- 5.15 Overall, the proposals would accord with London Plan Policy D7 and Local Plan Policy HO6.

Secured by Design

- 5.16 London Plan Policy D11 and Local Plan Policy DC1 both require new developments to respect the principles of Secured by Design (SBD) and to ensure that proposals create a safe, secure, and appropriately accessible environment where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. The Metropolitan Police – Crime Prevention Team have reviewed this application and suggested that the applicant is informed to contact them to commence the SBD accreditation process. Details of how the proposal will incorporate measures for crime prevention will be secured by condition.
- 5.17 Subject to conditions, the proposed development accord with London Plan Policy D11 and Local Plan Policy DC1.

Fire Safety

- 5.18 Policy D12 of the London Plan states that 'all development proposals must achieve the highest standards of fire safety'.
- 5.19 Paragraph 3.12.2 of the London Plan specifies that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage.
- 5.20 Pursuant to London Plan Policy D12, the submission of a Fire Statement is not a requirement for minor development proposals. In the interests of fire safety and to ensure the safety of all building users, the application is submitted with a Fire Safety Note which includes a strategy for fire safety such as means of escape, sprinklers, mitigations for reducing a fire spread, inclusion of dry risers, hydrant location etc. A condition would be attached to ensure that the Fire Safety Strategy is adhered to in perpetuity. In either case, in accordance with legislation the development must accord with Building Regulation Approved Document Part B which relates to suitable and convenient means of escape. Officers, are satisfied that due consideration has been given to fire safety in line with London Plan Policy D12, Part A.

5.21 Overall, subject to condition, the proposals would accord with fire safety and Policy D12 of the London Plan.

6. DESIGN, CHARACTER AND APPEARANCE

6.1 The NPPF recognises that creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.2 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".

6.3 Local Plan Policy DC1 states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.

6.4 Policy DC2 of the Local Plan states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. All proposals must be designed to respect:

- a. the historical context and townscape setting of the site, and its sense of place;
- b. the scale, mass, form and grain of surrounding development and connections to it;
- c. the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
- d. the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
- e. good neighbourliness and the principles of residential amenity;
- f. the local landscape context and where appropriate should provide high quality landscaping and public realm with good permeability;
- g. sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;

- h. the principles of accessible and inclusive design; and
- i. principles of Secured by Design.

- 6.5 Policy DC8 states that the Council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest.
- 6.6 Strategic Policy FRA of the Local Plan states that there is a substantial opportunity for regeneration within the Fulham Regeneration Area (FRA) and for the development of strategic sites to benefit the wider community.
- 6.7 The application site is backland to existing development along Bramber Road to the north and Lillie Road to the south, which is also where it is accessed from through an undercroft. The plot is currently occupied by some early to mid 20th century light industrial warehouse type buildings of one and two storeys. The southern frontage on Lillie Road includes a mixed-use setting of commercial ground floors with upper floors residential, to the east there is a similar mixed-use set up from properties on North End Road, to the north is a short row of residential terraced dwellings on Bramber Road and to the west lies a depot and a school campus at Normand Croft Community School. Overall, the surrounding area is fairly mixed-use but includes a number of residential dwellings. There are limited views of the site from the public realm and as such, the proposed development would have limited visual impact upon the streetscene environment and the local townscape.
- 6.8 Nos. 88 - 90 Lillie Road and 236 North End Road are all locally listed Buildings of Merit. The proposed development represents an improvement to the current site situation and would preserve the setting and significance of the aforementioned Buildings of Merit. The Council's Urban Design and Conservation Team have confirmed raise no concerns regarding the impact on these non-designated heritage assets.
- 6.9 The proposals would introduce building layouts that fit in the current footprint whilst opening up part of the existing courtyard to the north to provide physical separation between the east and west sides of the plot through two linear residential mews type buildings. This would include a part two and part two and half storey building to the western side and a part single and part two and a half storey building to the eastern side. The height, bulk and scale of the proposed development are generally considered acceptable given it would be lower scale and intimate with the existing surrounding buildings. The plot coverage by buildings would be less than existing but there would be some increase in scale/height as both buildings would be higher than existing. However, the

additional floors would be recessed and set in from the sides, to retain a sense of openness.

- 6.10 The surrounding built environment is typically comprised of three storeys late Victorian / early Edwardian architecture with a combination of pitched and mansard roofs. The proposed height would reach a maximum of up to two and a half storeys with part pitch and part flat roof elements including roof cut-outs to incorporate inset balconies/terraces and box windows facing frontwards and upwards. However, the proposed building would still be visibly lower than the existing surrounding with exception of the commercial buildings to the west. Notably, the adjoining building to the west is well set back from the street (Bramber Road) and is part of an extensive plot which includes a school campus at Normand Croft Community School. Therefore, the proposed development would appear as a subservient and subtle addition within the context. Solar PV panels are proposed on the front and rear roof slopes but these would not protrude significantly above the plane of the roof pitch nor would they give rise to visual clutter on the roof by sitting neatly and in proportion with the rest of the roofs. Further details are secured by condition.
- 6.11 The proposed development would follow an architectural approach with a simple and contemporary design and materials giving a modern response to a traditional mews character. The approach would include the use of high-quality material such as a mottled London stock brick, which have taken cues from the local character surrounding Lillie Road. Voussoir brick lintels would be used above windows, as well as flemish bond brickwork which can be observed throughout the borough, this style is also present on neighbouring properties which overlook the site. These features are considered to be an appropriate design concept in this location, which pays heed to the surrounding established built environment. A condition would be attached to secure details of the proposed materials. Overall, the visual amenity of the site will also be enhanced, as neighbours on all sides would look out onto the new modern housing development rather than the current derelict industrial buildings.
- 6.12 A key concern raised at pre-application stage was the landscaping of the central courtyard to effectively transform the current industrial character to a welcoming residential environment, especially as the courtyard would form the focal point of the proposals from public views. The application is submitted with a Landscape Statement which details the landscaping strategy for the site. It states that the scheme offers an opportunity to enhance the greening of the space and extend the green corridor to the west further east by adopting a 'secret garden' atmosphere, with soft and hard landscaping and garden sculptures. It includes details of planting, species, management and vertical greening to soften boundaries. Further details including maintenance will be secured by condition. The reduction in hard landscaping and introduction of soft

landscaping is welcomed and would have other benefits such as SuDS and climate change mitigations.

- 6.13 The central courtyard would continue to provide some relief and openness to the site, especially as it is now proposed to be opened up to the north. The re-development of the site could provide a better context for this backland site and improve its juxtaposition with adjoining buildings. Whilst the London Plan Policy D5 (Inclusive Design) generally discourages gated development, in this case, the proposed development cannot be realistically provided as a public street and the site is already gated. The design of the proposed gate would provide visual permeability from the street, creating a sense of place which can be appreciated from the outside and be included within the urban fabric of the area. The ancillary building facilities are logically arranged on site and would sit quietly by the main building.
- 6.14 The application site is not located in a conservation area or is it near a listed building or other protected heritage assets. Hence, the proposed development would not impact upon any designated/non-designated heritage assets. It has been sensitively designed to fit well into its setting and context and based on the site-specific circumstances, it would have mainly neutral impacts on the streetscene.
- 6.15 Overall, the scheme is considered to be an acceptable design response to the surrounding built environment and it would optimise the use of a previously developed site, as well as improve the current visual relationship with adjoining sites. On the whole, the proposed development is in accordance with the NPPF, London Plan Policies D3 and D5, and Local Plan Policies DC1, DC2 and DC8.

7. RESIDENTIAL AMENITY

- 7.1 Policies DC1, DC2, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. The 'Planning Guidance' SPD Housing Key Principles HS6, HS7 and HS8 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.
- 7.2 Policies CC11 (Noise) and CC13 (Control of Potentially Polluting Uses) also deal with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.
- 7.3 The proposal site is bounded on three of its four sides (north, east and south) by residential properties either as upper floor dwellings above commercial (such as on Lillie Road and North End Road) or as complete terrace of houses like on Bramber Road. Properties on these streets are those which stand to be affected

by the scheme. To the west the site adjoins a commercial depot and a school campus.

Outlook/Sense of Enclosure

- 7.4 The Council's SPD Housing Key Principle HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line drawn at an angle of 45 degrees from a point 2m above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of less than 9m in length, this line should be measured at 45 degrees from the ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then an on-site judgement will be a determining factor in assessing the effect which the proposed development will have on the amenity of occupiers at neighbouring properties.
- 7.5 To the south and east on Lillie Road, the closest residential properties are the three-storey flatted development at William Gattie House and the flats above the shops in the predominantly three/four storey terraces between Nos 90-104 Lillie Road and Nos 230-234 North End Road. To the north, Nos 1-11 Bramber Road is a 3-storey residential terrace houses. Immediately to the west is a commercial property and beyond that is a school site.
- 7.6 The site existing single and two storey buildings on the application site are arranged in a U-shape around an open courtyard that ranges between 6.5 and 7m wide and some 17.5m in length. At ground floor, the proposed development would occupy a reduced footprint in the form of two opposing linear terraces on either side of an increased open courtyard that measures between 5.5m and 7m wide and some 27m in length.
- 7.7 The existing two storey building on the western part of the site would increase in height from 7m to 9m to create an additional floor in the roof space. The additional 2m height in the flank elevation facing Lillie Road would have the same footprint as the existing and be located between 6.2m and 8m from the opposing rear elevation in Lillie Road.
- 7.8 The existing single storey building on the eastern part of the site measures 3.5m in height and would alter to include single, two and three storey elements. The proposed single, two and three storey elements would have maximum heights of 3m, 6.5m and 8.5m respectively. The single storey element would be lower than the existing building. The proposed first floor flank elevations would be 8.3m from the nearest opposing windows to the north in Bramber Road and

some 3m from the opposing windows to the south in Lillie Road. The proposed second floor would be centrally located within the site some 14m and 10.5m respectively from the opposing rear elevations in Bramber Road and Lillie Road. The impact of the proposals on the nearest residential properties is set out below.

Lillie Road

- 7.9 The proposed building on the eastern part of the site would face Nos 100 and 98 Lillie Road which are three and four storey buildings with flats above ground floor shops. With exception of a first floor bedroom window above the vehicular access, none the ground or first floor windows at Nos 100 and 102 contain habitable rooms in the opposing rear elevations. The existing first floor window at the rear of No.100 would be some 7m respectively from each of the flank elevations in both the proposed western and eastern buildings. The three storey element in the eastern building would be in a central location some 14m away. The proposed 2m increase in height of building on the western side of the site would be at roof level and include a pitched roof that would only be visible at oblique angle from No.100.
- 7.10 The building on the western part of the site would have a maximum increase in height of 2m. The nearest properties in Lillie Road at Nos 102 and 104 are three storey buildings with flats above ground floor shops. Neither Nos 102 and 104 includes habitable windows at ground floor, however both properties have habitable rooms at first floor and second floors. Officers consider that the proposed 2m increase in height to the proposed opposing flank is modest given the retained separation of between 6.2m and 8m from Nos 102 and 104.
- 7.11 The opposing flank elevation of William Gattie House, No106 Lillie Road is 6.2m from the rear of the proposed western building. However, the opposing flank elevation of William Gattie House includes no windows.
- 7.12 Based on an on-site judgement it is considered that the proposed development would have an acceptable impact on existing residential properties in Lillie Road.

North End Road

- 7.13 The rear of the properties fronting North End Road to the east, include residential properties above ground floor with opposing windows that would be at least 28m from the proposed development. At ground floor, there are commercial properties which contain no residential windows and there is a substantial two-storey structure at the rear of No.96 Lillie Road that would largely obscure any views of the proposed development. Officers consider that

the proposals would have any undue impact in terms of outlook on the properties in North End Road.

Bramber Road

- 7.14 The most affected property is No11 Bramber Road is three-storey end of terrace property that is between 1m and 1.9m from the opposing flank of the existing two-storey building on the western side of the site. No11 includes habitable windows in its existing rear elevation; with the exception of the second floor, these windows are currently largely obscured by the existing development on the western part of the site. The proposed building on the western part of the site would retain a sympathetic two-storey element opposite No.11 that would have a reduced roof from with a lower eaves height that would improve the outlook from No11. The footprint of the proposed western building would be wider footprint towards the centre of the site by approximately 1m that increased footprint is relatively narrow and would be some 7m away from the boundary with No.11.
- 7.15 In respect of the proposed western building, officers consider that the proposed 2m increase in height is modest. Furthermore, the perpendicular siting of the increased mass would only be visible from oblique angles that would not have an undue impact in terms of outlook on the remaining properties in Bramber Road.
- 7.16 The existing 3m boundary wall at Nos 7 and 9 Bramber Road would be retained. The proposed eastern building would be 8.3m and 14m from the party boundary and would not breach a 45 degree line from the top of the retained wall. Officers consider that the proposed eastern building would not result in any undue impact to Nos 7 and 9.
- 7.17 To the west the application site adjoins another non-residential site and there would be no impact on residential amenity as such.
- 7.18 Overall, the massing of proposed development would be set away from the site boundaries where it would be higher than existing. Therefore, it would not result in an overbearing impact or an increased sense of enclosure to neighbouring habitable room windows or gardens. The existing sense of openness surrounding the site would largely be preserved. There would be small improvements in outlook from some of the Bramber Road properties due to decrease in massing to the north of the western side building and a slight opening up of the site to create a larger central courtyard.
- 7.19 The proposed development would fall within acceptable limits in terms of outlook and sense of enclosure on neighbouring properties in accordance with Key Principle HS6.

Daylight and Sunlight

- 7.20 Policy D6 of the London Plan, supported by the Mayor's Housing SPG, seeks to ensure that high quality housing schemes are delivered, which includes providing sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing, and maximising the useability of outside amenity space.
- 7.21 Policy HO11 of the Local Plan includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the surrounding area. The policy states the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook.
- 7.22 Policy DC1 (Built Environment) require development to be well designed and respect of the principles of good neighbourliness. Policy DC2 (Design of New Build) requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the 'Planning Guidance' SPD. Key Principles HS6 and HS7 of the SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 7.23 The applicant has submitted a Daylight/Sunlight Report to assess the impact of the development on the natural light receivable to surrounding properties. The report considers the impact of the development on Nos. 5-11 Bramber Road, Nos. 98-104 Lillie Road and William Gattie House (No.106 Lillie Road).
- 7.24 In total 77 windows were tested for Vertical Sky Component (VSC) and Annual Probable Sunlight Hours Results (APSH) and Daylight Distribution (DD). The submitted report demonstrates that all the windows included within the assessment fully comply with the targets set out in the BRE guidance to meet all the criteria. Notably, No.11 Bramber Road would experience a small improvement in natural light distribution due to slight reduction in the proposed massing on the boundary.
- 7.25 Officers have considered the daylight and sunlight report and have no reason to disagree with its conclusions. The relationship between properties would not be unduly impacted so as to cause noticeable loss of light to any of the adjoining residential properties.
- 7.26 In view of the above, the proposals would accord with London Plan D6, Local Plan Policies HO11, DC1 and DC2.

Privacy

- 7.27 SPD Key Principle HS7(iii) requires that any new windows should be positioned at least 18m from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.
- 7.28 The eastern building would include first floor roof terraces with 1.7m high screens (secured by conditions) to prevent any overlooking to existing opposing habitable rooms in Lillie Road and Bramber Road. There roof terraces or windows facing east and the proposed roof terrace in the western elevation of that proposed building look inwards towards the courtyard.
- 7.29 The proposed western building does not include any opposing windows facing Lillie Road or Bramber Road and the east facing windows in that building face the courtyard. The west facing windows and roof terraces on the boundary are towards the adjacent commercial site and would have restricted oblique views towards William Gattie House.
- 7.30 Overall, officers consider that none of the opposing residential properties would experience a significant loss of privacy as a result of harmful actual and perceived overlooking from the proposed development. The proposals accord with Policy HO11 and Key Principles HS7 and HS8 of the Planning Guidance SPD.

Noise

- 7.31 London Plan Policy D14 sets out measures to reduce, manage and mitigate noise to improve health and quality of life. Local Plan Policy CC11 advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout, and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there would be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 7.32 The proposals have been considered by the Council's Environmental Protection Team who have raised no objections subject to conditions to safeguard against harmful noise impacts. The proposed residential use is highly likely to be less noisy than the existing light industrial use on the site currently. Therefore, the residents at surrounding residential properties would experience a reduction in commercial/industrial noise and activities in the context.

The proposed terraces/balconies would be less than 15sqm as recommended by Key Principle HS8 and this would limit the number of people that can congregate on them and cause undue noise impacts. The largest proposed terrace in the whole development would be only 6.5sqm (Unit 6). Officers are satisfied that this would not result in any undue harm.

7.33 Regarding noise during the demolition and construction phases, conditions would be attached to secure the submission of details for management plans, to control of nuisance during these phases.

7.34 Overall, the proposed residential development would not result in any undue noise impact on residential occupiers. The proposals accord with London Plan D14 and Local Plan Policies CC1 and CC13.

8. TRANSPORT AND HIGHWAYS

8.1 Paragraph 110 of the NPPF states that applications for development should ensure that appropriate opportunities to promote sustainable transport modes are taken and that safe and suitable access to sites can be achieved. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 113 states all developments that will generate significant amounts of movement should be required to provide a travel plan and should also be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Policies T1-T7 of the London Plan set out that all development should make the most effective use of land, reflecting connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. These policies also provide cycle and parking standards.

8.2 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.

8.3 Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network". Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics.

- 8.4 The above policies are supported by Key Principles TR1, TR4, TR7, TR21 and TR27 of the 'Planning Guidance' SPD (2018).
- 8.5 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

Car Parking

- 8.6 Policy T4 of the Local Plan specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available or in locations where the PTAL rating is 2 or lower (TfL's public transport accessibility level). Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. The site has a PTAL rating of 5 meaning it has very good access to public transport options. Therefore, to avoid exacerbating existing levels of parking stress and congestion, and to help with air quality improvement from vehicle emissions, officers consider that car parking permit restrictions for future occupants of all the 8 proposed residential units would be required. This will be secured by a legal agreement to prevent parking permits eligibility within all of the borough's Controlled Parking Zones for all future residents of the proposed development, except those in possession of a blue badge for disabled parking.

Cycle Parking

- 8.7 Policy T1 of the Local Plan seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough. Policy T5 of the London Plan specifies that cycle parking should be fit for purpose, secure and well-located, with the following standards for residential accommodation:
- 1 space per studio unit or 1-person, 1-bedroom dwelling
 - 1.5 spaces per 2-person, 1-bedroom dwelling
 - 2 spaces per all other dwellings.
- 8.8 The submitted drawings and Transport Statement confirm the inclusion of cycle parking as part of the development and that this would be in line with the London Plan standards. It is stated that the scheme will provide 16 cycle parking spaces in two cycle stores near the front of the site, accommodated by double-stacking stands. Visitor cycle parking will be provided by way of 3 stands within the entrance access route. These stands will be provided against the west side wall, to reduce the impact of parked cycles obstructing pedestrian routes into the site. Each stand provides 1 short-stay cycle parking space, exceeding the required minimum set out in the standards. Officers consider that this would be sufficient to meet the requirements of Policy T5 of the London Plan.

Refuse, Recycling and Servicing

- 8.9 Similarly to the cycle parking provisions, the submitted drawings and Transport Statement cover the requirements for refuse and recycling storage and servicing arrangements. Refuse storage would be provided on site in dedicated stores and no resident would have to walk more than the recommended distance of 25m to carry their waste. Deliveries and servicing for the development are expected to be undertaken in the same way as the existing residential and retail units on Lillie Road. Delivery and servicing vehicles will identify a permitted location for loading and transport any goods between that location and the site by foot. These arrangements are considered acceptable and would be secured by condition.

Footway Improvements

- 8.10 The Transport Statement confirms that the proposed development would restrict vehicular access to the site by sealing off the existing crossover and reinstate the public footway along Lillie Road. This is welcomed and would be an improvement to the pedestrian environment and safety. According to SPD Key Principle TR17, the developer will be required to pay for any works that the Council in their capacity as the highway authority has the power to carry out and that are necessary as a result of a new development. The Council will undertake the works on the highway in order to ensure that the works are undertaken to the council's adoptable standards and in order to ensure the disruption to the road network is minimal. The works would be secured via a legal agreement.

Construction and Demolition Logistics Plan

- 8.11 An outline Construction Management Plan has been submitted and reviewed by the Council's Transport Planning Team. In order to assess and minimise the impact of the demolition/construction of the proposed development on the local highway network, the submission of a Construction and Demolition Plan is required to include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly managed, washed and cleaned to prevent the transfer of mud and dirt onto the highway/footway. As well as other matters relating to traffic management to be agreed with the Network Management and the Permit Coordinators of the Council. Subject to conditions securing further details of a final detailed plan, officers consider that the proposals would not unduly impact the nearby highway network during the construction phase.
- 8.12 Overall, there are no objections to the proposals from a transport and highways perspective. Subject to the outlined conditions and legal obligations, the scheme would accord with the relevant policies of the London Plan and the Local Plan.

9. ENVIRONMENTAL CONSIDERATIONS

Flood Risk / Sustainable Drainage (SuDS)

- 9.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 9.2 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable surfacing should normally be resisted unless they can be shown to be unavoidable and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.
- 9.3 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDS) where feasible and the use of water efficient fittings and appliances.
- 9.4 The site is within the Environment Agency's Flood Zone 2 indicating a medium risk of flooding from the Thames. However, it is well protected by flood defences such as the Thames Barrier and local river walls. As required, a Flood Risk Assessment is submitted with the application and it assesses flood risk from all relevant sources as required, including surface water, reservoirs, groundwater and sewers. The FRA concludes flood from all sources to be very low to low, with the exception of groundwater which is concluded to be very high. This accords with the information in the Council's SFRA and SWMP, which notes that the area is at elevated groundwater flooding risk. There is no basement development proposed, as such the risks for the development itself and the surroundings would be low.
- 9.5 Furthermore, the FRA includes a new section on "Flood Alleviation Recommendations" which includes information on the inclusion of flood resilience measures at ground floor level. A commitment is also provided on including water efficiency measures that will limit internal water use to no more than 105 litres per person per day. With regards to surface water management, additional information has been provided which indicates that, subject to a more detailed site investigations, there may be scope to use direct infiltration to manage some run-off from the site. The attenuation volumes show there is a slight increase in attenuation provided by preferred SuDS measures.

- 9.6 The Council's Environmental Policy – Flood Prevention Team have reviewed the FRA and raised no objection subject to conditions to secure the implementation of the flood resilience and water efficiency measures as outlined in the FRA and to finalise the role of infiltration in managing surface water. Subject to these conditions the scheme is considered to be acceptable on flood risk grounds.
- 9.7 Therefore, the proposed development would accord with London Plan Policies SI12 and SI13 and Local Plan Policies CC3 and CC4.

Sustainability / Climate Change

- 9.8 The scheme is not a major development, so there are no requirements to submit a Sustainability Statement or Energy Assessment to show compliance with local and regional policies on these issues. However, in line with the 'Climate Change' SPD, the Council would still encourage the implementation of sustainability measures such as energy efficiency and carbon curbing measures to address the climate emergency declared by the Council in 2019. In this case, the proposed development incorporates measures to minimise greenhouse gas emissions, promote energy use from renewable sources and reduce energy consumption, as well as to promote water efficiency in accordance with London Plan Policy SI 2 and Local Plan Policy CC1.
- 9.9 An Energy Statement is included to support the application and it assess the performance of the proposed development using the procedures set out in 'Energy Assessment Guidance – Greater London Authority guidance on preparing energy assessments (June 2022)' and applies the Mayor's Energy Hierarchy from the London Plan. Passive sustainability measures have been included in the design to increase the energy performance of the development such as in the building fabric, thermal massing, cross natural ventilation, cooling and heating abilities etc.
- 9.10 The applicant has proposed Ground Source Heat Pump (GSHP) and Solar PV Panels for all the proposed dwellings. These would achieve a 46% reduction in regulated carbon emissions against baseline figures (target emissions rate). These details are secured by condition.
- 9.11 The proposals are therefore considered acceptable with regards to London Plan Policy SI 2 and Local Plan Policy CC1.

Contamination

- 9.12 Policy 5.21 of the London Plan and Policy CC9 of the Local Plan states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.

- 9.13 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. To ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions are to be attached covering the assessment and remediation of contaminated land.
- 9.14 The Council's Contaminated Land Team have considered the proposals and raise no objections to subject to conditions. The proposals would accord with Policy CC9 of the Local Plan.

Air Quality

- 9.15 Policy CC10 of the Local Plan specifies that the council will seek to reduce the potential adverse air quality impacts of new development. Notably, where a proposal has potential to result in occupants being affected by poor air quality, mitigation measures will be required to mitigate against this. A borough wide Air Quality Management Area is in place within the borough.
- 9.15 The Council's Environmental Quality (Air Quality) Team were consulted on this application and raised no objection, subject to conditions to secure Zero Emission Heating compliance and construction and demolition Air Quality Dust Management Plan.
- 9.16 Subject to these conditions, officers accept the proposals would comply with Policy CC10 of the Local Plan.

Trees and Ecology

- 9.17 Policy OS5 states that the Council will seek to enhance biodiversity and green infrastructure in the borough by:
- a. maximising the provision of gardens, garden space and soft landscaping, seeking green or brown roofs and other planting as part of new development;
 - b. protecting back, front and side gardens from new development and encouraging planting in both back and front gardens;
 - c. seeking to prevent removal or mutilation of protected trees;
 - d. seeking retention of existing trees and provision of new trees on development sites; and
 - e. adding to the greening of streets and the public realm;
 - f. making Tree Preservation Orders where justified in the interests of amenity.
- 9.18 The application is submitted with an Arboricultural Impact Assessment and Preliminary Method Statement which concludes that the proposals would not necessitate the removal of any on or off site trees. There is a substantial Category B tree at No.106 Lillie Road which adjoins the site at its southwestern corner, however the Arboricultural Impact Assessment mentions

that there would be no harmful incursion onto its Root Protection Area, meaning the health of the tree would not be affected. A tree protection condition will apply to the decision.

- 9.19 The site is small in size and is currently fully covered with hard surfacing and it will therefore impact on less than 25sqm of a habitat and does not impact on a priority habitat. As such, there is an exemption for Biodiversity Net Gain requirements.
- 9.20 Subject to condition, the scheme would be compliant officers accept the proposals would comply with Policy OS5 of the Local Plan.

10. COMMUNITY INFRASTRUCTURE LEVY / PLANNING OBLIGATIONS

Mayoral and Local CIL

- 10.1 In this case, the proposed development would be liable to pay Community Infrastructure Levy (CIL) at both the mayoral and borough levels. The Mayoral CIL (MCIL2) rates are applicable to all planning permissions granted from 1 April 2019. The Mayor expects the Council, as the collecting authority, to secure the levy in accordance with London Plan Policy DF1. This development would be subject to a London wide community infrastructure levy. This development is liable for an estimated Mayoral CIL of approximately £10,920 (plus indexation).
- 10.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule formally took effect from 1st September 2015. This development is liable for an estimated CIL of approximately £27,300 (plus indexation).

S106 Heads of Terms

- 10.3 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
- 10.4 London Plan Policy DF1 (Delivery of the Plan and Planning Obligations) states that development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.

- 10.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms which are the Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 10.6 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and reasonably commensurate the scale and type of development proposed. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs and impacts of the proposed development.
- 10.7 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.
- 10.8 The applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items:
- 1) Restriction of on-street car parking permit in borough CPZs save for blue badge holders (disabled parking);
 - 2) Enter into a S278 Agreement to fund any necessary highway works arising from the development to the footway and crossover on Lillie Road;
 - 3) Provision of a Demolition and Construction Logistics Plans, and fund liaison with Local Contractor Co-ordination Group associated with monitoring of the demolition and construction process (£3,000 per annum);
 - 4) AQDMP Compliance monitoring of £5000 per annum of the demolition and construction phases of the development;
 - 5) Financial Contribution of £400,000 that will contribute to:

Public realm, environmental improvements and affordable housing.

Economic development to support delivery of the Council's Industrial Strategy (or any successor to it), including to support employment, skills and local procurement activities.

At least 10% of the total number of people employed on the construction of the development are local (H&F) residents, including 4 apprenticeships.

10% of the build cost to be spent on businesses based in H&F in the supply chain of the development

6) A commitment to meet the costs of the Council's associated legal fees.

11. CONCLUSION

- 11.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 11.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 11.3 In summary, the proposals would contribute towards an identified housing need and local housing target on previously developed land, that would involve the relocation of the existing light industrial (Class E) use and hence not result in loss of employment and is supported in principle.
- 11.4 The proposal is acceptable in visual terms and is considered to be of a good quality of design which would not adversely impact upon the surroundings. Subject to conditions, the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality, land contamination and ecology have also been satisfactorily addressed and will be subject to conditions/planning obligations. In these respects, the proposals comply with the relevant policies of the NPPF (2023), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the 'Planning Guidance' (2018) and 'Climate Change' (2023) Supplementary Planning Documents.
- 11.5 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.

11.6 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Officers have consulted the Applicant on the pre-commencement conditions included in the agenda and the Applicant has raised no objections.

12. RECOMMENDATION

12.1 The application is therefore recommended for approval, subject to conditions and the completion of a legal agreement.